



Request For Variance

State Form 51184 (12/02)

Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

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1. Individual Submitting Request:

Date: 9 / 3 / 09

Name: Elaine Lin, REHS Telephone: (310) 604-3200 Fax: (310) 604-6449

Mailing Address: 19205 Laurel Park Rd. Email: elaine.lin@afcsushi.com

Number & Street
Rancho Dominguez, CA 90220
P.O. Box City State Zip Code

2. Person/Organization Seeking Variance:

Name: AFC Sushi Email: elaine.lin@afcsushi.com

Mailing Address: 19205 Laurel Park Rd.
Number & Street

Rancho Dominguez, CA 90220
P.O. Box City State Zip Code

3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (If different than mailing address): Please refer to the attachment.
- Mailing Address: (Number, Street, City, State, & Zip Code)
- Telephone Number: () Fax Number: ()
- Person at each retail food establishment most responsible for supervising:

4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach additional pages if necessary)

This application is a request for a variance from 410 IAC 7-24-187 Potentially hazardous food; hot and cold holding, instead of holding cooked acidified white sushi rice at 135F or above or 41F or less, the rice will be held at room temperature for up to 10 hours from time of acidification.

5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)

Chefs are required to measure the pH of each batch of white sushi rice prepared using a calibrated pH meter. The rice may not be used to roll sushi until the pH of the rice has been verified (critical limit is 3.30 - 4.10). Each facility is equipped with a functional pH meter, back-up test strips, and 4.01 and 7.00 buffer solutions. All chefs must follow the AFC sushi rice recipe. Chefs are trained on pH meter calibration, how and when to take the pH, corrective action if critical limits are not met, and the completion and maintenance of logs. Back-up test strips may only be used for 3 days (at most) if the pH meter malfunctions. Please refer to the attachments for additional detail.

6. List how the proposal demonstrates the following (if applicable to the request):

A) How the proposal differs from what is common and usual in similar industry situations:

Our sushi bars at other locations (not in Indiana) are currently using pH as a method of control. Locations in Indiana where the variance has not been approved is currently using 2-stage cooling and using the rice to roll sushi after it has cooled to 41F or lower. Some high volume sushi bar locations (not AFC) may use TPHC, however TPHC is not a good option for our sushi bars since a majority of our sushi bars are low volume and TPHC will create too much waste.

B) How the proposal is unique and not addressed in existing rules or law:

Indiana food code requires that a variance approval for any method to be used in lieu of time and temperature.

C) How the proposal does not diminish the protection of public health:
Rice is no longer be potentially hazardous at a pH below 4.6.

D) How the proposal is based on new scientific or technological principle(s):
The proposal is not based on any new scientific or technological principle. The pH of each batch of rice is measured using a calibrated pH meter. Rice is no longer potentially hazardous at pH below 4.6.

E) How the implementation of the variance would be practical:
Our chefs will be able to roll sushi with soft fluffy rice prepared the same day which results to a fresher product for the customer.

7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:

The Regional Manager will visit each facility at least once every other month to ensure that compliance is maintained. Chefs that are found to be not in compliance will be retrained or terminated.

8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)

Please refer to the attachment.

9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.

For Office Use Only

10. Signature of Individual Making Request:_____

Printed Name, Title: Elaine Lin, REHS, Food Safety & Quality Assurance Manager_____